

Notice of Allowability

Application No.

10/017,132

Examiner

William P. Fletcher III

Applicant(s)

FLOSBACH ET AL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 01 April 2005.
2. ☒ The allowed claim(s) is/are 1 and 3-9.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Hilmar L. Fricke (Reg. No. 22,384) on 14 June 2005.

The application has been amended as follows:

* * *

Claim 1 (currently amended) A process for repairing a coated automotive substrate surface comprising the following successive steps:

- a) providing a blemished area to be repaired;
- b) optionally, preparing the blemished area to be repaired;
- c) providing a composite structure consisting of at least one backing film coated on one side with an uncured or only partially cured coating layer of a thermally curable coating composition;
- d) applying the ~~at least one backing film~~ composite structure with its coated side onto the blemished area to be repaired;
- e) supplying thermal energy to the coating applied in this manner onto the blemished area to be repaired by at least one conventional infrared radiation emitter or a near infrared radiation emitter positioned away from the at least one backing film; and
- f) removing the at least one backing film;

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wherein the supply of thermal energy onto the coating proceeds through the at least one backing film to the coating layer of the thermally curable coating composition of step c) ~~+~~ and whereby the blemished area of the coated automotive substrate is repaired.

Claim 7 (currently amended) The process according to claim 1, wherein application of the ~~at least one backing film~~ composite structure in step d) proceeds under pressure.

Claim 8 (currently amended) The process according to claim 1, wherein supply of thermal energy to the blemished area to be repaired is ~~performed with the near infrared radiation emitters~~ positioned 20 to 70 cm from the backing film.

* * *

2. Claims 1 and 3-9 are allowed.

3. The following is an examiner's statement of reasons for allowance: Applicant has amended independent claim 1 to recite an automotive substrate surface. Because George is limited to the repair coating of (wooden) furniture, this reference no longer reads on the claims. The following references, closest to the claims in their current incarnation, are hereby made of record. US 4,497,851 A (de Vroom) teaches the repair coating of an automobile utilizing a transfer sheet including a release layer, an enamel (i.e., paint) layer, and an adhesive layer. The paint layer is fully cured prior to its application to the substrate. US 5,387,304 A (Berner et al.) and US 6,221,439 B1 (Negele et al.) each teach the original (i.e., non-repair) coating of a metal/automotive substrate utilizing a transfer sheet including a release layer, a paint layer, and

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an adhesive layer. The paint layer is partially cured prior to its application to the substrate. All of these references require attachment to the substrate via an adhesive layer on the transfer sheet (repair patch). The above examiner's amendment amends independent claim 1 to exclude an adhesive layer on the repair patch.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Fletcher III whose telephone number is (571) 272-1419. The examiner can normally be reached on Monday through Friday, 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy H. Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TIMOTHY MEEKS
SUPERVISORY PATENT EXAMINER

WPF 8/14/2006
William Phillip Fletcher III
Patent Examiner, USPTO
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